

Government of Jammu and Kashmir
Office of the Principal Chief Conservator of Forests J&K, Jammu.

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Sub: Checklist of general instructions regarding processing of the FCA cases under the provisions of Forest (Conservation) Act, 1980. (Extract from Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines & Clarifications).

A. Land for C.A

I. Land for CA for Projects implemented by the UT Govt, including Central Government Projects implemented by the UT Government requiring more than 20 Ha of forest land

Non-forest land equivalent to the area proposed for diversion is required; if Gair-Mumkin Jhar is offered by the Revenue Department, then it should be double in extent to the area proposed for diversion [See Page-46]

Certificate from the competent authority regarding availability of non-forest land and suitability of area identified for compensatory afforestation from management point of view (to be signed by the concerned Deputy Conservator of Forests) is to be furnished [See page- 23].

If non-forest land is not available in the District or elsewhere in the UT, a certificate, on the prescribed format, of non-availability of land for compensatory afforestation in the UT needs to be issued by the Chief Secretary [See Page-45]

II. Exemptions from requirement of non-forest land for CA (certificate regarding availability/non-availability of non-forest land should not be sought from user agencies in such cases):

- i. For projects implemented by Central Govt/PSUs (like NHAI/NIIDCL).

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- ii. For projects of UT govt. related to laying of transmission line, telephone/optical fibre line, extraction of minor material from river beds.
- iii. Construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 Hectares.

[See Page- 47]

All Districts of Jammu & Kashmir are hill districts **as per India State of Forests Report 2019 by Forest Survey of India, Dehradun** and therefore this provision is applicable to whole of J&K.

In above cases (i, ii & iii) CA shall be raised on degraded forest land twice in extent of the forest area being diverted.

III. Special Category Projects related to Security Agencies:

In respect of the projects by agencies of Ministry of Home Affairs/Ministry of Defence for road and border related infrastructure development within 100 Km of LOC, CA shall be raised over degraded forest land equal in extent to the forest land diverted *[See Page 61]*

(Certificate regarding availability/non-availability of non-forest land should not be sought from user agencies in such cases).

B. Preparation of CA Proposal:

- i. CA scheme with 1000 plants per ha (including maintenance for 10 years) on the non-forest land/Gair Mumkin Jhar provided by the Revenue Department [*See Page 46*]
- ii. In case it is not possible to plant 1000 plants/ha under CA, then the balance plants shall be planted on degraded forest land [*See Page 46*].
- iii. If non-forest land/Gair Mumkin jhar not available (as certified by Chief Secretary), then CA should be carried out over degraded forest lands twice in extent to the area being diverted [*See Page 46*]
- iv. In case the forest area involved in the proposed project is less than 1 Ha, cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants) shall be charged from the user agency [*See Page 48 & 49*].

KML file of the site for CA shall be prepared and uploaded on PARIVESH [*See Page 50*]

C. Recognition and Vesting of Forest Rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006:

Document showing initiation of the process by the District Collector about process of recognition and vesting of forest rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal should be enclosed. [*See page 10*].

It must be noted that above check list is prepared to facilitate the field functionaries in processing common cases, like road construction. For details all officers concerned are requested to go through the provisions of Forest (Conservation) Act 1980 and Rules and MoEF & CC Guidelines issued thereunder (available in PARIVESH Portal) and send the proposal to the Nodal Officer FCA alongwith relevant documents, complete in all respects, so that the time-line prescribed by the MoEF &CC for processing the FCA cases is adhered to.

Sarvesh Rai
(Sarvesh Rai) IFS
Additional Principal Chief Conservator of Forests,
Nodal Officer (FCA).

No. PCCF/FCA/ 3124/ 1861 - 1909 Dated 02 -07-2020
Copy to the:

1. Chief Conservator of Forests, Kashmir.
2. Chief Conservator of Forests, Jammu.
3. All Conservator of Forests (T) _____.
4. All Divisional Forest Officers (T) _____.
5. Pvt. Secretary to PCCF (HoFF) J&K for kind information of Pr.CCF (HoFF) J&K.

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